

**VIA ECF**

November 3, 2023

Hon. Gabriel W. Gorenstein  
United States District Court Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: Major League Baseball Properties, Inc. v. Corporation de Televisión y  
Microonda RAFA, S.A., S.D.N.Y. Case No. 1:19-cv-8669 (MKV) (GWG)**

Dear Judge Gorenstein:

This firm represents Telemicro International Holding Corp. (“TIHC”), a non-party in the above-referenced matter, who has advised us that it received the attached letter from TD Bank, dated October 31, 2022 (**Exhibit A**). The letter advises our client that TD Bank received an Information Subpoena & Subpoena Duces Tecum (**Exhibit B**) from Major League Baseball Properties, Inc. (“MLB”), the petitioner in this matter.

We note that Exhibit B also contains Questions addressed to TD Bank in connection with the Information Subpoena. Of significance, MLB included the following note in the Questions form it served on TD Bank:

***“IMPORTANT: The term "Telemicro" as used in the questions below means Corporacion de Television y Microonda Rafa, S.A, along with any of its predecessors, successors, assigns, employees, agents, attorneys, and any and all persons acting on behalf of any of them, as well as to any individual or entity under their direction or control or from which they have the right or the practical ability to obtain information, records, or documents of any kind. Because Corporacion de Television y Microonda Rafa, S.A., is understood to do business under the trade name Telemicro or through its affiliated entities Telemicro International Holding Corp. and Telemicro International Holding, LLC, all references to "Telemicro" shall be construed to include any entity doing business under the name "Telemicro" or any permutation thereof, including but not limited to "Telemicro International Holding Corp.," "Telemicro International Holding, LLC," and "Telemicro Internacional."*** (emphasis added).

As an initial matter, we find MLB’s actions to be in bad faith, capricious and only intended to harass our client who is not the judgment debtor in this case. MLB is aware, after deposing Maribeth Gomez, the president of TIHC, that TIHC (not the judgment debtor) maintained an account at TD Bank. As the Court is aware, securing an account at TD Bank was necessary to ensure the company continue its operations since MLB issued a Restraining Notice to Chase Bank

(the “Chase Restraining Notice”) back in June that has effectively frozen the company’s funds at Chase Bank (ECF No. 129-1).

Secondly, MLB engages in this most recent conduct *after* the Court has Ordered the filing of motion papers, specifically directing MLB to file any opposition to THIC’s motion to quash the Chase Restraining Notice by today, November 2, 2022 (ECF 158). The same Order allows THIC to reply by next week, November 9, 2022. For MLB to state to TD Bank that the judgment debtor in this case “is understood to do business under the trade name Telemicro or through its affiliated entities Telemicro International Holding Corp.” presents as fact the very issue our client is contesting and that this Court is set to determine: to wit, that THIC is not owned or operated by the judgment debtor and that no funds of THIC should be held pursuant to MLB’s judgment against the judgment debtor.

Such behavior on the part of MLB has been typical and it is our client whose business is being threatened and disrupted

As we noted in our letter to the Hon. Mary Kay Vyskocil (ECF No. 156), the funds in the Chase Bank account belong solely to THIC and the judgment debtor has no interest in the account. Similarly, the account at TD Bank belongs solely to THIC and the judgment debtor has no interest in the account whatsoever.

While MLB is not directly serving TD Bank with a Restraining Notice, it is clearly engaging in harassment tactics against THIC because it is fully aware that the judgment debtor has no account at TD Bank and MLB is deceptively attempting to get information about our client with misleading and false claims about THIC’s relationship with the judgment debtor.

We ask the Court to intervene and order MLB to cease its tactics while Your Honor reviews our motion to quash the Chase Restraining Notice. To be sure, as alleged in our filings up to this point, MLB has not made even a half-cogent argument showing that any of the assets of THIC belong to the judgment debtor. If need be, we stand ready to attend a conference with the parties as the Court may deem proper.

We appreciate the Court’s attention to this urgent matter.

Respectfully,

S/ Henry E. Marines

Henry E. Marines

cc: Maureen Haney  
Subpoena Team Associate  
TD Bank  
(Via e-mail: GSI.Subpoenas@td.com)

Christopher Cogburn, Esq.  
Josef Maxim Klazen, Esq.  
Joshua Kushner, Esq.  
Leif Thorsten Simonson, Esq.  
Steven Gary Kobre, Esq.  
KOBRE & KIM LLP  
800 Third Avenue  
New York, NY 10022  
*Counsel for Major League Baseball Properties, Inc.*